

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 72931

John Hauser  
Dorothy Burnette

826 Sue Grove Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 24, 2010, for a Hearing on a citation for violations of the Baltimore County Building Code (BCBC) 49-07 section 105; International Residential Code (IRC) 2006; for building addition to rear of structure without required building permit and inspections on residential property zoned DR 3.5 known as 826 Sue Grove Road, 21221.

On January 23, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Claude Profili issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$4,000.00 (four thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice and Stop Work Order was issued on January 23, 2010 for building a deck and enclosure without permits; remove structure or obtain all necessary permits and required inspections. This Citation was issued on February 16, 2010. Respondent failed to appear for the scheduled Hearing on March 24, 2010. Respondent's son contacted the Department on March 22, 2010 to request a postponement and his request was denied. Respondent and his son appeared after the Hearings had concluded that day, met with the Hearing Officer and were given a one week extension to apply for a permit. On April 2, 2010 the Department submitted this Citation to the Hearing Officer for enforcement because no permit application had been filed.

B. Photographs in the file show an addition partially constructed on the rear of this residential property. The addition is fully enclosed, with windows, roof and Tyvek wrap on the lower wall. Notes in the file indicate the addition is on a new deck structure. No permits have been requested or issued for the deck or the enclosed addition, and no inspections have been done. This is a waterfront property and a small lot, and to obtain a permit Respondent must satisfy the zoning requirements and environmental regulations that Baltimore County is obligated to enforce.

C. A Baltimore County building permit is required before a person may erect, construct, repair, alter, remodel, remove, or demolish a building or structure. BCC Section 35-2-301. Respondent has improperly constructed this deck and enclosed addition without obtaining the required building permit and inspections. Respondent must either obtain a permit and all required inspections and satisfy all code and zoning requirements, or remove the addition.

D. Respondent has failed to respond to the County's notices and failed to apply for the required permit despite being given an extension of time. Because compliance is the goal of code enforcement, Respondent will be given another opportunity to correct the violation and obtain a reduced penalty. If the violation is not corrected, the full penalty will be imposed and Respondent will be subject to additional Citation for the continued violation.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if Respondent applies for the required building permit by April 19, 2010, AND if Respondent either obtains required permits and inspections by May 15, 2010, OR removes the illegally constructed addition by May 15, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 8<sup>th</sup> day of April 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer